

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

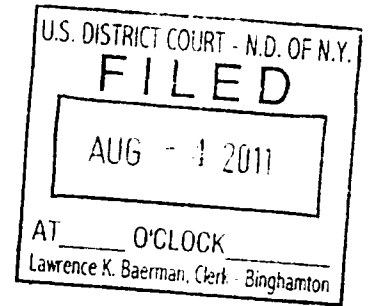
JOHNSON CONTROLS, INC.,
a Wisconsin corporation,

Plaintiff,

-vs-

THOMAS J. KOLTZ, MICHAEL
MCALLISTER,
JOHN BROE, Individuals, and TRI-COUNTY
REFRIGERATION, INC., a New York
corporation,

Defendants.



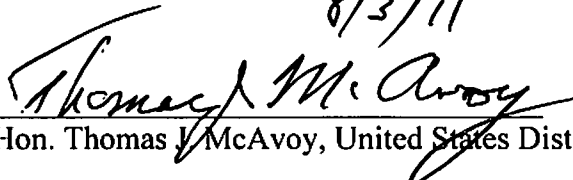
**ORDER REGARDING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

Civil Case No. 3:10-cv-00501 TJM/DEP

HAVING DULY CONSIDERED Plaintiff Johnson Controls, Inc.'s Motion for Summary Judgment, and the Court being otherwise advised in the premises:

IT IS ORDERED that Plaintiff Johnson Controls, Inc.'s Motion for Summary Judgment is GRANTED, in part, and DENIED, in part, for the reasons stated on the record at oral argument on July 11, 2011. As indicated in the Court's opinion, the agreements signed by Defendants Thomas J. Koltz ("Koltz") and Michael McAllister ("McAllister") are valid and enforceable. Defendant Koltz breached his agreement by developing a compensation package for Defendant John Broe. The remaining issues in Plaintiff's Complaint will proceed to trial.

IT IS SO ORDERED.

8/3/11

Hon. Thomas J. McAvoy, United States District Judge